



## City of Hampton, VA

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

### NOTICE OF ACTION

#### City Council - Evening Session

Wednesday, December 12, 2012 - 7:05 PM

W. H. "Billy" Hobbs, Jr.  
Will Moffett  
Chris Snead

Christopher G. Stuart  
Donnie R. Tuck  
George E. Wallace

Molly Joseph Ward, Mayor

**Staff:**

*Mary Bunting, City Manager*  
*Cynthia Hudson, City Attorney*  
*Katherine K. Glass, CMC, Clerk of Council*

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#### CALL TO ORDER/ROLL CALL

Molly Joseph Ward presided.

Upon Roll Call the following members were present:

PRESENT: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Mayor Ward called the meeting to order with all members of Council present.

#### INVOCATION - Councilman Will Moffett

Councilman Moffett gave the invocation.

#### PLEDGE OF ALLEGIANCE TO FLAG

#### MAYOR'S COMMENTS

Mayor Ward wished the City Manager, Mary Bunting, a happy birthday and Vice Mayor Wallace led those in attendance in singing "Happy Birthday."

Mayor Ward then explained the history of Hampton's Christmas card practice and presented the following students with awards for their winning entries:

Falynne Couron – 11th grade, Hampton High School

Instructor: Christopher Fredericks

Tre'Shell Burton – 12th grade, Kecoughtan High School  
Instructor: Tom Cutshaw

Hannah Merchant – 12th grade, Phoebus High School  
Instructor: Holly McAllister

Jessica Nemnich – 11th grade, Bethel High School  
Instructor: Christie Liddell.

## CONSENT AGENDA

### CONSENT ITEMS

1. 12-0373 Ordinance to approve an agreement between the cities of Hampton, Newport News, Poquoson and the county of York to construct and operate a Peninsula Regional Animal Shelter on property located at 5849 Jefferson Avenue in Newport News, and to authorize the execution and delivery of same.

**ACTION:** Approved items 1 through 11 on the consent agenda.

**MOVER:** Vice Mayor George E. Wallace

**SECONDER:** Councilmember Chris Snead

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 0

2. 12-0428 Approval of the minutes from the meetings of the Spotlight on Citizens and Public Comment Session of October 24, 2012; the special meeting of November 5, 2012; the afternoon, public comment and evening sessions of November 14, 2012; and the special meeting of November 28, 2012.

**ACTION:** Approved items 1 through 11 on the consent agenda.

**MOVER:** Vice Mayor George E. Wallace

**SECONDER:** Councilmember Chris Snead

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 0

3. 12-0432 Request for Abatements and/or Refunds of Real Estate Taxes

**ACTION:** Approved items 1 through 11 on the consent agenda.

**MOVER:** Vice Mayor George E. Wallace

**SECONDER:** Councilmember Chris Snead

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 0

**4. 12-0433 Request for Refund of Business License Taxes on Erroneous Assessments**

**ACTION:** Approved items 1 through 11 on the consent agenda.

**MOVER:** Vice Mayor George E. Wallace

**SECONDER:** Councilmember Chris Snead

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 0

**5. 12-0436 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the Award of the FY2012 Bulletproof Vest Partnership Grant Program through the U.S. Department of Justice**

**ACTION:** Approved items 1 through 11 on the consent agenda.

**MOVER:** Vice Mayor George E. Wallace

**SECONDER:** Councilmember Chris Snead

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 0

**6. 12-0437 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of Funds for the Hampton Clean City Commission from the Keep America Beautiful Waste Management Think Green Grant**

**ACTION:** Approved items 1 through 11 on the consent agenda.

**MOVER:** Vice Mayor George E. Wallace

**SECONDER:** Councilmember Chris Snead

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart,

Donnie R. Tuck, George E. Wallace, Molly Joseph Ward  
NAYS: 0  
ABSTAIN: 0  
OUT: 0

7. 12-0439 Ordinance to Amend and Re-enact Article XI of the Code of the City of Hampton by Amending Section 2-280 to Change the Name of the Industrial Development Authority of the City of Hampton, Virginia to the Economic Development Authority of the City of Hampton, Virginia pursuant to VA Code § 15.2-4903. C.

**ACTION:** Approved items 1 through 11 on the consent agenda.

**MOVER:** Vice Mayor George E. Wallace

**SECONDER:** Councilmember Chris Snead

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward  
NAYS: 0  
ABSTAIN: 0  
OUT: 0

8. 12-0440 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the Commonwealth of Virginia, Department of conservation and Recreation, Division of Dam Safety and Floodplain Management Grant, Special Flood Hazard Area-Movil LiDAR Project

**ACTION:** Approved items 1 through 11 on the consent agenda.

**MOVER:** Vice Mayor George E. Wallace

**SECONDER:** Councilmember Chris Snead

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward  
NAYS: 0  
ABSTAIN: 0  
OUT: 0

9. 12-0441 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the Commonwealth of Virginia, Department of Conservation and Recreation, Division of Dam Safety and Floodplain Management Grant, Dam Break Inundation Zone Analysis, Coliseum Lake Dam Project

**ACTION:** Approved items 1 through 11 on the consent agenda.

**MOVER:** Vice Mayor George E. Wallace

**SECONDER:** Councilmember Chris Snead

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward  
NAYS: 0

ABSTAIN: 0  
OUT: 0

10. 12-0442 Resolution Appropriating \$486,826.47 of Designated Fund Balance from FY11 and FY12 EMS fees for various EMS and Fire Capital Needs.

**ACTION:** Approved items 1 through 11 on the consent agenda.

**MOVER:** Vice Mayor George E. Wallace

**SECONDER:** Councilmember Chris Snead

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 0

11. 12-0454 Resolution Regarding the Option to Expand Medicaid Eligibility in Virginia

**ACTION:** Approved items 1 through 11 on the consent agenda.

**MOVER:** Vice Mayor George E. Wallace

**SECONDER:** Councilmember Chris Snead

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 0

## **PRESENTATIONS, PROCLAMATIONS, AWARDS**

## **PUBLIC HEARINGS**

## **REZONINGS**

12. 12-0444 Rezoning Application No. 1305-2012 by the Hampton Redevelopment and Housing Authority to rezone 2.82 +/- acres in the Olde Hampton Neighborhood at 301&305 Union St (LRSN: 2000909, formerly 2000910), 304 Union St (LRSN: 2000785), 306 Union St (LRSN: 2000786), 108 Patterson Ave (LRSN: 2000436), 112 Patterson Ave (LRSN: 2000437), 116 Patterson Ave (LRSN: 2000438), 118 Patterson Ave (LRSN: 2000439), 121, 123, and 125 Patterson Ave (LRSN: 2000281), 322 W. Queen St (LRSN: 2001064), 324 W. Queen St (LRSN: 2001063), 355 W. Queen St (LRSN: 2002044), 355 A W. Queen St (LRSN: 2002043), 357 W. Queen St (LRSN: 2002042), 523 W. Queen St (LRSN: 2001106), 527 W. Queen St (LRSN: 2001107), 700 W. Queen St (LRSN: 2000459), 708 W. Queen St (LRSN: 2000457), 710 W. Queen St (LRSN: 2000456), 27 Stewart St (LRSN: 2002059), 28 S. Back River Rd

(LRSN: 2001139), 30 S. Back River Rd, (LRSN: 2001140), 200 Dooley St (LRSN: 2000564), 202 Dooley St (LRSN: 2000565), Dooley St, (LRSN: 2000617), 205 Dooley St (LRSN: 2000616) and 208 Dooley St (LRSN: 2000567), from Two Family Residence District (R-8), One-Family Residence District (R-9) or General Commercial District (C-3) to One Family Residence District (R-4) with conditions to construct single family homes.

**ACTION:** Presented by Mike Hayes, Senior City Planner.

**ACTION:** Held Public Hearing - there were no speakers on this item.

**ACTION:** Approved - subject to nine (9) proffered conditions.

**MOVER:** Councilmember Chris Snead

**SECONDER:** Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 0

13. 12-0445 Rezoning Application No. 1306-2012 by the Hampton Redevelopment and Housing Authority to rezone 4.19+/- acres in the Olde Hampton Neighborhood at 516 W. Queen St (LRSN: 2000533), 518 W. Queen St (LRSN: 2000532), 522 W. Queen St (LRSN: 2000531), 524 W. Queen St (LRSN: 2000530), 500 W. Queen St (LRSN: 2001050), 101 N. Back River Rd (LRSN: 2000514), 103 N. Back River Rd (LRSN: 2000515), 104 N. Back River Rd (LRSN: 2000995), 105 N. Back River Rd (LRSN: 2000516), 108 N. Back River Rd (LRSN: 2000994), 109 N. Back River Rd (LRSN: 2000517), N. Back River Rd Parcel A/Part of Parcel B (LRSN: 2001051), 384 W. Queen St (LRSN: 2001052), 382 W. Queen St (LRSN: 2001053), W. Queen St (LRSN: 2001054), 374 W. Queen St (LRSN: 2001055), 370/372 W. Queen St (LRSN: 2001056), 368 W. Queen St (LRSN: 2001057), 366 W. Queen St (LRSN: 2001058) from Two Family Residence District (R-8), One Family Residence District (R-9), or Limited Commercial District (C-2) to One Family Residence District (R-4) with conditions to construct single family homes.

**ACTION:** Presented by Mike Hayes, Senior City Planner.

**ACTION:** Held Public Hearing - there were no speakers on this item.

**ACTION:** Approved - subject to nine (9) proffered conditions.

**MOVER:** Councilmember Chris Snead

**SECONDER:** Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward  
NAYS: 0  
ABSTAIN: 0  
OUT: 0

14. 12-0446 Rezoning Application No. 1307-2012 by the Hampton Redevelopment and Housing Authority and the City of Hampton to rezone 1.95+ acres along Kecoughtan Road, which consists of twelve parcels, specifically 800 Kecoughtan Rd (LRSN: 1004658), 901 Kecoughtan Rd (LRSN: 1004748), 903 Kecoughtan Rd (LRSN: 1004749), 915 Kecoughtan Rd (LRSN: 1004747), 300 Locust Ave (LRSN: 1004773), Kecoughtan Rd (LRSN: 1004772), 1002 Kecoughtan Rd (LRSN: 1004610), 1006 Kecoughtan Rd (LRSN: 1004609), 1209 Kecoughtan Rd (LRSN: 1004815), 1213 Kecoughtan Rd (LRSN: 1004814), 1701 Kecoughtan Rd (LRSN: 1005118), and 301 Greenbriar Ave (LRSN: 1004771), from One Family Residence District (R-11), Neighborhood Commercial District (C-1) or General Commercial District (C-3) to One Family Residence District (R-4) with conditions to construct single family homes.

**ACTION:** Presented by Mike Hayes, Senior City Planner.

**ACTION:** Held Public Hearing - there were no speakers on this item.

**ACTION:** Approved - subject to eleven (11) proffered conditions with a change defining mature trees as 6" as opposed to the 8" stated in the application.

**MOVER:** Councilmember Chris Snead

**SECONDER:** Councilmember Will Moffett

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward  
NAYS: 0  
ABSTAIN: 0  
OUT: 0

## RESOLUTIONS

15. 12-0435 Resolution Authorizing the Transfer From the City of Hampton to the Hampton Redevelopment and Housing Authority Six Lots: 1) a 0.18 ac± parcel, 915 Kecoughtan Road, LRSN:1004747, 2) a 0.09 ac± parcel, 300 Locust Ave., LRSN:1004773, 3) a 0.09 ac± parcel, Kecoughtan, LRSN:1004772, 4) a 0.04 ac± parcel, 1002 Kecoughtan, LRSN: 1004610, 5) a 0.19 ac± parcel, 1213 Kecoughtan, LRSN:1004814, and 6) a 0.33 ac± parcel, 1701 Kecoughtan, LRSN: 1005118.

**ACTION:** Presented by Mary Bunting, City Manager.

**ACTION:** Held Public Hearing - there were no speakers on this item.

**ACTION:** Approved

**MOVER:** Councilmember Chris Snead

**SECONDER:** Councilmember Christopher G. Stuart

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 0

16. 12-0438 Resolution Authorizing the Execution of a Lease for a 3,160 sq. ft. Portion of City Owned Land and the Grant of (a) a 20' Wide, 12,359 sq. ft. Access Easement and (b) a 5' Wide, 3,255 sq. ft. Utility Easement, Over City Owned Property Located at 1590 Briarfield Road, LRSN: 1000275 to Crown Communication LLC, for a Power Equipment Compound and Cell Tower

**ACTION:** Presented by Mary Bunting, City Manager.

**ACTION:** Held Public Hearing - there were no speakers on this item.

**ACTION:** Approved

**MOVER:** Councilmember W. H. "Billy" Hobbs, Jr.

**SECONDER:** Councilmember Chris Snead

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 0

## GENERAL ITEMS

## ORDINANCES

17. 12-0400 Amend Section 3.01 Of The City Charter Regarding The Election And Terms Of The Mayor And Councilmembers To Require Resignation Of Midterm Councilmembers Who Run For Office Of Mayor

**ACTION:** Approved - Mayor Ward passed the gavel to Vice Mayor Wallace for this



item. Councilman Moffett presented information on this item before the motion to approve and Council discussion. Councilman Moffett offered a substitute motion to defer this item indefinitely with the concurrence of the seconder, Councilwoman Snead, so no vote was taken on the motion to approve.

**MOVER:** Councilmember Will Moffett

**SECONDER:** Councilmember Chris Snead

**ACTION:** Deferred Generally

**MOVER:** Councilmember Will Moffett

**SECONDER:** Councilmember Chris Snead

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

NAYS: 0

ABSTAIN: 1 - Molly Joseph Ward

OUT: 0

**ACTION:** Moved to to refer this item to the City Manager to give her input to Council in January regarding a process to get citizen input on this issue.

**MOVER:** Councilmember Will Moffett

**SECONDER:** Councilmember Chris Snead

AYES: 6 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

NAYS: 0

ABSTAIN: 1 - Molly Joseph Ward

OUT: 0

18. 12-0447 Ordinance To Repeal Chapter 10 "Cemeteries" Of The Code Of The City Of Hampton, Article II. "Permit To Establish Or Enlarge".

**ACTION:** Approved

**MOVER:** Councilmember Chris Snead

**SECONDER:** Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 0

19. 12-0448 Ordinance To Amend And Reenact Chapter 24, Section 24-41 Of The Code Of The City Of Hampton Entitled "Body Art and Body Art Establishments" To Regulate Temporary Body Art Events.

**ACTION:** Deferred (1/9/2013)

**ACTION.**

**MOVER:** Vice Mayor George E. Wallace

**SECONDER:** Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 0

**APPOINTMENTS**

- 20.** 12-0451 discuss appointments to the Coliseum Advisory Committee

**ACTION:** Reappointed Calvin Pearson and Joseph H. Prentiss to their second three year terms and appointed Lynn Hutton to a three year term all of which will expire on December 30, 2015.

**MOVER:** Vice Mayor George E. Wallace

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

NAYS: 0

ABSTAIN: 0

OUT: 0

- 21.** 12-0452 consider/ratify appointments to Hampton's Community Policy and Management Team

**ACTION:** Appointed and reappointed the following individuals to continue until December 30, 2014, as follow:

- 1) local governing body (James Gray)
- 2) community services board (Chuck Hall)
- 3) juvenile court services unit (Michael Morton)
- 4) department of health (Dr. William Berg)
- 5) department of social services (Wanda Rogers)
- 6) local school division (Lisa Powers)
- 7) parent representative (Theresa Brooks)
- 8) representative from a local private organization that provides services to children (Tiffany Hassell - Together Lives Change)

Marcy Wright - Transitions Family Violence Services  
Michael Edmonds - The Center for Child and Family Services  
Deborah Russell - Healthy Families Partnership

and non-voting members Everett Bensten- City Attorney's Office and  
Elizabeth Clark - Hampton Department of Human Services.

**MOVER:** Vice Mayor George E. Wallace

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward  
NAYS: 0  
ABSTAIN: 0  
OUT: 0

**22. 12-0455** consider appointments to the Hampton Senior Citizens Advisory Committee

**ACTION:** Reappointed Dr. Marty Tennille for a four year term which will expire on December 30, 2015.

**MOVER:** Vice Mayor George E. Wallace

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward  
NAYS: 0  
ABSTAIN: 0  
OUT: 0

**ACTION:** Deferred (1/9/2013) - two appointments to this body were deferred until January 9, 2012.

**MOVER:** Vice Mayor George E. Wallace

**SECONDER:** Councilmember W. H. "Billy" Hobbs, Jr.

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward  
NAYS: 0  
ABSTAIN: 0  
OUT: 0

**23. 12-0456** consider appointments to the Social Services Local Advisory Board

**ACTION:** Reappointed Walter Credle to his second four year term and Sabrina D. Williams to her first full four year term both which will expire on December 30, 2016.

**MOVER:** Vice Mayor George E. Wallace

AYES: 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward  
NAYS: 0  
ABSTAIN: 0  
OUT: 0

## **REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES**

The City Manager, Mary Bunting, reported on items raised during the last public comment period to include information on the demolition of the Harbor Square Apartments and also referred citizens to the replay of the afternoon work session for

the monthly waterways report.

## **MISCELLANEOUS NEW BUSINESS**

Mayor Ward and the Council expressed their best wishes to the citizens for a happy holiday season and Vice Mayor Wallace, quoting Louis Armstrong, wished everyone a "Cool Yule and a Frantic First."

## **ADJOURNMENT**

### **Contact Info:**

**Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)**